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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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DS 005.00

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0060

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On September 3, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 160609). On September 23, 2013, decision # 160609 became final without a request for hearing having been filed. On October 18, 2013, claimant filed an untimely telephone request for hearing. On November 22, 2013, ALJ Kangas issued Hearing Decision 13-UI-05121, dismissing claimant's request for hearing as untimely, subject to claimant's "right to renew" the request by submitting a response to the "Appellant Questionnaire" attached to the hearing decision within 14 days of the date the decision was mailed.¹ On December 3, 2013, the Office of Administrative Hearings (OAH) received claimant's response. On December 16, 2013, OAH issued a letter entitled, "Cancellation of Hearing Decision." On December 17, 2013, OAH issued notice of a hearing scheduled for January 3, 2014 at 1:30 p.m. On January 3, 2014, ALJ Lohr conducted a hearing at which claimant appeared and testified, and on January 7, 2014, issued Hearing Decision 14-UI-07875, dismissing claimant's request for hearing as untimely. On January 9, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 14-UI-07875 is affirmed.

Tony Corcoran and D. E. Larson;
Susan Rossiter, not participating.

DATE of Service: January 15, 2014

¹ Hearing Decision 13-UI-05121.

NOTE: You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals within 30 days of the date of service listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310, or visit the website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.